

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Adrian Boot,

Plaintiff,

v.

Consequence Sound LLC,

Defendant.

Civil Action No.: 9:23-cv-80616-RLR

DEFENDANT'S ANSWER

Defendant Consequence Sound LLC ("Defendant" or "Consequence"), by and through its undersigned counsel, denies each and every allegation made in the Complaint filed by Plaintiff Adrian Boot ("Plaintiff") except as admitted or qualified as follows:

INTRODUCTION

1. Admitted.
2. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.
3. Admitted.
4. Denied.

PARTIES

5. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.
6. Admitted.

JURISDICTION AND VENUE

- 7. Admitted.
- 8. Admitted.
- 9. Admitted.

FACTS COMMON TO ALL CLAIMS

A. Plaintiff's Copyright Ownership

10. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

11. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

12. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

13. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

14. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

15. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

16. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

17. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

B. **Defendant's Infringing Activity**

18. Consequence admits only that is the owner of the Website appearing at *consequenceofsound.net*.

19. Consequence admits only that it is the operator of the Website appearing at *consequenceofsound.net*.

20. Denied.

21. Admitted.

22. Admitted.

23. Admitted.

24. Admitted.

25. Denied.

26. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

27. Denied.

28. Denied.

29. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

30. Consequence admits only that it operates the Website at *consequenceofsound.net* and denies the remaining allegations in this paragraph.

31. Consequence admits only that it contributes to the content on the Website appearing at *consequenceofsound.net* but is without information or knowledge sufficient to form a belief as to the remaining allegations in this paragraph and therefor denies the same.

32. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

33. Denied.

34. Admitted.

35. Admitted.

36. Denied.

37. Consequence admits only that it has the legal right and ability to control the content appearing on the website at *consequenceofsound.net* and denies all remaining allegations in this paragraph.

38. Admitted.

39. Denied.

40. Denied.

41. Denied.

42. Admitted.

43. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

44. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

45. Consequence admits only that it received one letter from Plaintiff's counsel dated March 15, 2023 concerning the alleged infringement.

46. Denied.

47. Denied.

FIRST COUNT

48. Defendant repeats and incorporates by reference its answers to the allegations contained in the preceding paragraphs, as though set forth in full herein.

49. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

50. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

51. Consequence lacks knowledge or information sufficient to form a belief as to this allegation and therefore denies the same.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

SECOND COUNT

58. Defendant repeats and incorporates by reference its answers to the allegations contained in the preceding paragraphs, as though set forth in full herein.

59. Consequence admits only that it has the legal right and ability to control the content appearing on the website at *consequenceofsound.net* and denies all remaining allegations in this paragraph.

60. Consequence admits only that it has the legal right and ability to control the content appearing on the website at *consequenceofsound.net* and denies all remaining allegations in this paragraph.

61. Denied.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

AFFIRMATIVE DEFENSES

1. **Failure to State a Claim** - Plaintiff is not entitled to relief because Plaintiff has failed to state a claim upon which relief can be granted.

2. **Non-Actionable Fair Use** - Plaintiff is not entitled to relief because
Consequence's use of the subject photograph constitutes non-actionable fair use.

Respectfully submitted,

Dated: June 7, 2023

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CERTIFICATE OF SERVICE

I, David J. George, Esq., hereby state that I served the foregoing motion on Plaintiff via ECF on
June 7, 2023.

//s// David J. George, Esq.